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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------|------------------|
| 09/679,692 | 10/04/2000 | Glenn Reid | 004860.P2475 | 9006 |
| 7590 | 02/02/2005 | | EXAMINER | |
| Lisa N Benado Blakely Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025 | | | NGUYEN, NHON D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2179 | |
| | | | DATE MAILED: 02/02/2005 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/679,692 | REID ET AL. |
| | Examiner | Art Unit |
| | Nhon (Gary) D Nguyen | 2179 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 August 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment, filed 08/24/2004.
2. Claims 1-32 are pending in this application. Claims 1, 9, 17 and 25 are independent claims. In the amendment, no claim is canceled, claims 1, 9, 17 and 25 are amended, and no claim is added. This action is made final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashe et al (“Ashe”, US 6,307,574).

As per independent claim 1, Ashe teaches a computer implemented method and corresponding system for producing a graphical user interface comprising the steps/means: storing a graphic file created by a multi-layered type computer program and having a multiple layer structure and at least one control object, each control object in a separate layer (col. 3, lines 8-12 and col. 6, lines 10-17), and launching an application program other than the multi-layered type computer program to access the graphic file and to display a control element from the graphic file on the graphical

user interface, the control element having at least one attribute dictated by one of the control objects (col. 8, lines 7-33).

As per claim 2, which is dependent on claim 1, Ashe teaches the graphic file has a first control object in a layer dictating one attribute of the control element and a second control object in a separate layer dictating another attribute of the control element (col. 8, lines 22-33).

As per claim 3, which is dependent on claim 2, Ashe teaches the first control object and the second control object share a common name attribute (e.g. *Draw Scroll Background, Draw Scroll Thumb, Draw Scroll Arrow*; col. 8, lines 12-33).

As per claim 4, which is dependent on claim 2, Ashe teaches the layer of the first control object is grouped with the layer of the second control object as pointed out in col. 8, lines 12-33, e.g. objects under different layers such as *up, down, left* or *right* are grouped under *Arrow* control element.

As per claim 5, which is dependent on claim 1, it is inherent in Ashe's system that the graphic file is editable and the at least one control object may be added, deleted or altered.

As per claim 6, which is dependent on claim 1, Ashe teaches the control element is an edit control to manipulate a time-based stream of information (col. 4, lines 44-49).

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As per claim 7, which is dependent on claim 1, Ashe teaches the attribute is an appearance (col. 7, lines 4-11 and col. 8, lines 22-33).

As per claim 8, which is dependent on claim 1, Ashe teaches the attribute is a state in a particular environment (col. 8, lines 22-33).

As per independent claims 9, 17, and 25, they are similar in scope to claim 1; therefore, they should be rejected under similar rationale.

As per claims 10, 18, and 26, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 2; therefore, they should be rejected under similar rationale.

As per claims 11, 19, and 27, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar rationale.

As per claims 12, 20, and 28, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar rationale.

As per claims 13, 21, and 29, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar rationale.

As per claims 14, 22, and 30, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar rationale.

As per claims 15, 23, and 31, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar rationale.

As per claims 16, 24, and 32, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 8; therefore, they should be rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 08/24/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Ashe's graphical elements of the GUI are created using the program code embedded in the GUI. Therefore, the GUI itself creates the user interface elements of the GUI and Ashe does not disclose launching an application program other than the multi-layered type computer program to access the graphic file.

(b) Ashe does not disclose storing a graphic file created by a multi-layer type computer program, since the graphical representation is created and displayed real-time by the GUI.

Examiner disagrees for the following reasons:

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(a) Ashe does teach launching an application program other than the multi-layered type computer program to access the graphic file in col. 6, lines 18-21, in which Ashe discloses that whenever "a program, such as the operating system or an application program, requires a particular control element to be drawn on the display, it accesses this object." The program, in this teaching, is obviously different than the multi-layer type computer program, which is used to create the hierarchical multi-layer control objects such as examples in fig. 4 and fig. 5 (col. 6, lines 5-9, lines 13-18 and lines 39-56.)

(b) In order to create graphic files from hierarchical multi-layer controls objects as in figs. 4 and 5, Ashe's system must use some type of multi-layer type computer program such as, object oriented programs as well as their integrated development environments. Real-time creation and display of the GUI only happens when a program accesses to the controls objects as in figs. 4 and 5 as described above.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
January 25, 2005

BA HUYNH
PRIMARY EXAMINER